

JS 44 (Rev. 10/20)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Lauren Yvette Tucker

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Olugbenga O. Abiona, 215-833-8227

P.O. Box 3326, Cherry Hill, NJ 08034

**DEFENDANTS**

City of Philadelphia

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)☐ 1 U.S. Government Plaintiff☒ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity (Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 500 Securities/Commodities/Exchange
				<input type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII of the Civil Rights Act, and ADEA

Brief description of cause:

Failure to Promote claims because of race, color and age.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

February 2, 2023

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: Philadelphia, PA

Address of Defendant: 1401 JFK Blvd., Suite 1530 Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |                                                                                                                                                                                        |                              |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?                                        | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?                                                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 2/2/2023

*Must sign here*  
  
Attorney-at-Law / Pro Se Plaintiff

**57026**

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
  - ☐ 2. FELA
  - ☐ 3. Jones Act-Personal Injury
  - ☐ 4. Antitrust
  - ☐ 5. Patent
  - ☐ 6. Labor-Management Relations
  - ☒ 7. Civil Rights
  - ☐ 8. Habeas Corpus
  - ☐ 9. Securities Act(s) Cases
  - ☐ 10. Social Security Review Cases
  - ☐ 11. All other Federal Question Cases
- (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
  - ☐ 2. Airplane Personal Injury
  - ☐ 3. Assault, Defamation
  - ☐ 4. Marine Personal Injury
  - ☐ 5. Motor Vehicle Personal Injury
  - ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
  - ☐ 7. Products Liability
  - ☐ 8. Products Liability – Asbestos
  - ☐ 9. All other Diversity Cases
- (Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, Olugbenga O. Abiona, Esquire, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 2/2/2023

*Sign here if applicable*  
  
Attorney-at-Law / Pro Se Plaintiff

**57026**

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.





**II. JURISDICTION AND VENUE**

4. The jurisdiction of this Court is invoked pursuant to Title 28 U.S.C. §1331, which provide for the original jurisdiction of Plaintiff's claims arising under the laws of the United States of America.
5. Plaintiff has exhausted her administrative remedies before bringing her Title VII, ADEA, and PHRA claims to Court. On December 19, 2022, the EEOC issued Plaintiff her right to sue letter. See attached copy. The venue of this Court is proper pursuant to the dictates of Title 28 U.S.C. §1391 (c).

**III. PARTIES**

6. Plaintiff, Lauren Yvette Tucker, is a citizen of the United States and the Commonwealth of Pennsylvania, who currently resides in Philadelphia, Pennsylvania.
7. Defendant, City of Philadelphia ("City"), is a municipality in the Commonwealth of Pennsylvania, with its offices located at Municipal Services Building, 1401 JFK Blvd., Suite 1530, Philadelphia, PA 19102.

**IV. BRIEF STATEMENT OF FACTS**

8. Plaintiff is a black, African-American female and is 56 years old.
9. Plaintiff has been employed with the City's Office of Homeless Services since June 12, 2006.
10. Plaintiff applied for, took and passed the Civil Service Social Worker II test, interviewed and was hired. Plaintiff worked in the Intake Unit until she was able to test, interview and become a Program Analyst in the Quality Management Unit in December of 2015.
11. Plaintiff's duties included, monitoring emergency housing shelter food contracts that were under CACFP (Child and Adult Care Food Program). Plaintiff worked in this

position until the unit was dissolved, and Plaintiff was transferred to the Emergency Housing Unit briefly for six months.

12. Prior to assuming the CACFP position, Plaintiff interviewed with OHS/HR for two exempt positions: *Homeless Services Program Manager* (March 2017) and *COC Training and Technical Assistance Specialist* (June 2017). But Plaintiff was not selected for either and was told she did not have enough “experience”; despite the fact that Plaintiff had years of facilitation experience prior to working for OHS and she also trained OHS staff from all departments on the Crisis Prevention Model (CPI) Foundation model.
13. In September 2017, Plaintiff was notified that there would be a CACFP position becoming available and she was encouraged to apply for the position because of her experience monitoring CACFP while under the Quality Management Unit.
14. Plaintiff was also told the position would come with a “raise” but that needed to be worked out.
15. Plaintiff interviewed and was offered the position, however, it was considered a “lateral” move for the time being. Plaintiff started that position in October of 2017.
16. On or about November 13, 2017, Plaintiff received an email from Tara Gaudin, Chief of Staff (at the time) regarding staff updates announcing that Plaintiff would be supervising Patricia R. Smith. However, after months of not hearing anything about a raise/promotion, Plaintiff showed the email to Raymond Davis and he told Plaintiff that Tara had made a mistake and there would be no promotion.
17. Plaintiff was initially promoted to and performed the duties of a supervisor and then it was taken away from her by the City.



18. As disappointing as this was to Plaintiff, she continued to monitor CACFP – training Patricia Smith and providers, developing manuals, developing training curriculums and working in conjunction with the warehouse and other agencies.
19. Plaintiff began to recognize the gaps in services and the issues and problems that affected the smooth operation of CACFP. Plaintiff also started to notice the food service contracts needed to be monitored more closely as OHS would be held accountable by the state when audited. Plaintiff also suggested that emergency housing shelter's food services should be monitored more closely especially those not under CACFP. This was in part due to the food service complaints Plaintiff would receive on the compliant line and the observations she would make when she went to monitor and/or follow up with shelters.
20. Plaintiff discussed these observations with Dave Holloman as well, as she was trying to carve out a more defined role with OHS and food service.
21. One of the most fulfilling achievements for Plaintiff was having her workshop proposal selected to present at the National CACFP conference in April 2019.
22. About a week after returning from the Chicago conference, Plaintiff was called into a meeting and completely blindsided. She was told OHS was no longer going to be involved with CACFP. It would be phased out and Plaintiff would be transferred to the Grants Management Unit. Plaintiff was basically told this was her only choice as there was nowhere else for Plaintiff to go.
23. Plaintiff expressed her concerns to Dave Holloman and was told to give it a try. However, OHS never ended CACFP. Patricia Smith got to keep her job and Jesse Jordan/ Eric Williams were put in Plaintiff's place.

24. Now OHS has a new Food Access Unit that Plaintiff has nothing to do with- but entails everything Plaintiff was doing.
25. After working with the Office of Homeless Services for over 15 years as a civil service employee, and working as a Social Service Program Analyst in the OHS Housing Division for 7 of those years, on or about February 14, 2022, a job posting for the position of Director of Food Services was sent by the City to all staff members.
26. On February 22, 2022, Plaintiff submitted an application and her resume for the Director of Food Services position.
27. On or about March 7, 2022 Plaintiff was interviewed for the position of Director of Food Services by a panel of six OHS staff members, which included Dave Holloman, Indira Aye-Potter, Leticia Devonish, Diana Rivera, Erika Dublin and Nykia Sizemore.
28. Following the interview, Plaintiff was told to submit a 90-day management plan as a writing sample that was due on March 9, 2022, which Plaintiff submitted.
29. On or about March 14, 2022, Plaintiff spoke with Dave Holloman and he informed Plaintiff that she “did not make the cut” and would not be getting the Director position.
30. The Director’s position was instead awarded to Amara O’Connell (Caucasian and younger candidate); who was less qualified than Plaintiff for this position.
31. Plaintiff later found out the interview and hiring process in March 2022 was a sham and cover-up for the race and age discriminatory failure to promote Plaintiff to this position.
32. On or about March 15, 2022, Plaintiff discovered an online announcement by Temple University that was posted **on January 27, 2022**, congratulating Amara O’Connell on being promoted to the position of Director of Food Services for OHS.



33. This congratulatory announcement was made two weeks before the position was even posted by the City for applications. See link at <https://liberalarts.temple.edu/news/2022/01/mpp-student-promoted-director-role-office-homeless-services>.
34. A copy of this announcement by Temple University, where Ms. O'Connell was a student is also attached hereto as Exhibit P-1.
35. Amara O'Connell was a much younger candidate than Plaintiff, and Plaintiff is a member of the protected class under the ADEA.
36. Plaintiff also has much more significant experience and qualifications for this position than Ms. O'Connell.
37. Plaintiff asserts that she has been subjected to race, color and age motivated failure to promote her by Defendant to the position of Director of Food Services for OHS, in violation of Title VII of the Civil Right Act of 1964, as amended, the PHRA and the Age Discrimination in Employment Act (ADEA).

**V. STATEMENT OF CLAIM**

**COUNT ONE – Title VII VIOLATIONS –Race and Color Discrimination**

38. Plaintiff incorporates by reference all allegations alleged in paragraphs 1 through 37 as if the same were fully set forth at length herein.
39. The acts and conducts of Defendant City of Philadelphia through its respective agents, officers, employees, and officials as stated above where Plaintiff was subjected differential treatment because of her race and color as to the promotion to this Director of Food Services position was a violation of Title VII of the Civil Rights Act, 42 U.S.C.



§2000e et seq.

40. As a direct result of the said discriminatory practices of the Defendant in violation of Title VII, Plaintiff has sustained loss of wages and earnings, loss of benefits, loss of future earning power, loss of back pay, front pay, interest due therein as well as mental anguish, emotional distress, humiliation, and damage to reputation.

**COUNT TWO –ADEA VIOLATIONS-AGE DISCRIMINATION**

41. Plaintiff incorporates by reference all allegations alleged in paragraphs one 1 through 40 as if same were fully set forth at length herein.
42. The acts and conducts of the Defendant City of Philadelphia, through its agents, officers, and employees as stated above where Plaintiff was subjected to differential treatment because of her age as to the promotion to this Director of Food Services position was a violation of the Age Discrimination in Employment Act.
43. As a direct result of said discriminatory practices of the Defendant, Plaintiff has sustained loss of wages and earnings, loss of benefits, loss of future earning power, loss of back pay, front pay, interest due therein as well as mental anguish, emotional distress, humiliation, and damages to reputation.

**COUNT THREE – PHRA VIOLATION – RACE/COLOR/AGE DISCRIMINATION**

44. Plaintiff incorporates by reference all allegations alleged in paragraphs 1 through 43 as if same were fully set forth at length herein.
45. The acts and conducts of Defendant City of Philadelphia through its respective agents, officers, employees, and officials as stated above where Plaintiff was subjected differential treatment because of her race, color and age as to the promotion to this

Director of Food Services position were violations of the Pennsylvania Human Relations Act, Title 43 Pa. Cons. Stat. Ann. §951 et seq.

46. As a result of the said discriminatory practices of the Defendant in violation of the PHRA, Plaintiff has sustained loss of wages and earnings, loss of benefits, loss of future earning power, loss of back pay, front pay, mental anguish, emotional distress, humiliation, and damages to reputation.

**VI. PRAYER FOR RELIEF**

Wherefore, Plaintiff respectfully demands judgment against Defendant, and request that this Honorable Court:

- A. Enter judgment against the Defendant for back pay, front pay, loss income, loss benefits, pre and post judgment interests, costs of suit, compensatory damages, attorneys' fees and expert witness fees as permitted by law; and
- B. Award such other relief as the Court may deem necessary and just, including but not limited to an order to make whole.

**JURY TRIAL DEMAND**

Plaintiff demands a jury trial on all questions of fact raised by this complaint.

ABIONA LAW PLLC

  
Olugbenga O. Abiona, Esquire  
Attorney ID # 57026  
P.O. Box 3326  
Cherry Hill, NJ 08034  
(215) 833-8227  
Attorney for Plaintiff

Dated: February 2, 2023





## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Philadelphia District Office  
801 Market St, Suite 1000  
Philadelphia, PA 19107  
(267) 589-9700  
Website: [www.eeoc.gov](http://www.eeoc.gov)

### **DETERMINATION AND NOTICE OF RIGHTS**

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 12/19/2022

To: Lauren Yvette Tucker  
121 West Haines Street  
PHILADELPHIA, PA 19144  
Charge No: 530-2022-03171

EEOC Representative and  
telephone number:

Legal Unit  
(267) 589-9707

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### **DETERMINATION OF CHARGE**

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

### **NOTICE OF YOUR RIGHT TO SUE**

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Karen McDonough  
12/19/2022

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Karen McDonough  
Deputy Director

**Cc:**

Ellen Berkowitz  
City of Philadelphia Law Department  
1515 ARCH ST FL 15  
Philadelphia, PA 19102

Sophia Schiaroli  
CITY OF PHILADELPHIA LAW DEPARTMENT  
1515 Arch Street, 16th Floor  
Philadelphia, PA 19102

Olugbenga O Abiona  
ABIONA LAW PLLC  
121 South Broad Street, Ste 1200  
Philadelphia, PA 19107

Please retain this notice for your records.